

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WACKER NEUSON PRODUCTION
AMERICAS, LLC,

Plaintiff/Counter-Defendant

Case No. 1:19-cv-18

v.

HON. JANET T. NEFF

CITY OF NORTON SHORES,

Defendant/Counter-Claimant.

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ORDER

This case involves a matter of contract interpretation with respect to property tax abatements and Plaintiff's disputed obligation to repay more than \$951,346.94 to Defendant. The parties failed to comply with the December 31, 2019 deadline for pursuing dispositive motions and belatedly submitted pre-motion filings in August 2020. The Court struck Defendant's pre-motion conference request and ordered the parties to show cause why they should not proceed with the remaining case management order dates as set, including trial (ECF No. 74). In their Joint Response to the Order to Show Cause, the parties now request that the Court extend the pre-motion conference deadline in this case, and allow the parties to proceed with motions for summary judgment, which may resolve the case in its entirety (ECF No. 76).

The parties assert that "submitting the key legal issues in the case to the Court for Summary Judgment will likely be an economical use of the Court's resources, because this case hinges on the interpretation of a contract," which is a legal issue for the Court (*id.*). However, the parties fail to set forth any basis for their contention on the facts and circumstances presented, i.e., that the

issues presented can properly be resolved on summary judgment. Therefore, the parties shall not later than **September 24, 2020** file a **Joint Notice** setting forth:

- (1) Uncontroverted Facts, which the parties agree may be accepted as established facts;
- (2) Issues of Material Fact, if any, remaining to be determined;
- (2) The Specific Legal Questions to be decided by the Court on motions for summary judgment; and
- (3) Brief Outline of Each Party's Proposed Conclusions and Evidentiary Support.

The Court will thereafter decide whether to proceed with dispositive motions and amended case management dates.

In the interim, the parties shall proceed with the settlement conference as scheduled by Magistrate Judge Sally Berens.

IT IS SO ORDERED.

Dated: September 10, 2020

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge